IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2297 OF 2007
IN
SUIT NO.3338 OF 2005

Jitendra A. Shah & Anr. ..Plaintiffs.

V/s.

Renuka Dinesh Parikh. ..Defendant.

Ms.Rashmi M.Vaity i/b. Ashwinkumar & Co. for plaintiffs.

Mr.Cyrus Ardeshir a/w.Ms.Aarti Jumani i/b. Rustamji & Ginwala for defendant.

CORAM: A.M.KHANWILKAR,J

DATE : JUNE 26, 2007.

P.C. :

1. Although this Motion is opposed, having regard to the facts stated on affidavit supported by the affidavit of the advocate, to my mind, being sufficient cause, the defendant is entitled for relief in terms of prayer clause(a) of the Motion. In the interest of justice as the litigant should not suffer for the mistake of the advocate, the Motion is made absolute in terms of prayer clause (a) on condition that the defendant shall pay costs to the plaintiffs quantified at Rs.2,500/- within one week from today. Payment of costs is condition precedent for this indulgence.

2. If cost is paid in time, Notice of Motion No. 615 of 2007 be listed for hearing under appropriate caption on 10th September, 2007.

3. Parties to exchange pleadings well in advance, to be filed in the Registry not later than 27th August, 2007.